



Reprinted
February 1, 2006

SENATE BILL No. 336

DIGEST OF SB 336 (Updated January 31, 2006 5:05 pm - DI 104)

Citations Affected: IC 20-34.

Synopsis: Care and management of student diabetes at school. Requires the department of education and the state department of health to develop and implement a pilot student diabetes management program before July 1, 2007, and a statewide program before July 1, 2009. Establishes a training program for school employees who are not health care professionals to assist students with diabetes in managing and treating the diabetes. Sets forth requirements for individualized health plans for students who will be managing and treating diabetes while at school or school activities.

Effective: July 1, 2006.

Landske, Breaux, Sipes

January 10, 2006, read first time and referred to Committee on Health and Provider Services.
January 26, 2006, amended, reported favorably — Do Pass.
January 31, 2006, read second time, amended, ordered engrossed.

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SB 336—LS 7042/DI 71+



Reprinted
February 1, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 336

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]:

4 **Chapter 5. Care of Students With Diabetes**

5 **Sec. 1. The department and the state department of health shall:**

- 6 (1) **develop and implement a pilot program that meets the**
7 **requirements of this chapter not later than July 1, 2007; and**
8 **(2) implement this chapter statewide not later than July 1,**
9 **2009.**

10 **Sec. 2. As used in this chapter, "unlicensed assistive personnel"**
11 **means a school employee who:**

- 12 (1) **is not a licensed health care professional;**
13 **(2) has successfully completed the training required under**
14 **section 10 of this chapter; and**
15 **(3) has immunity from liability under IC 34-30-14.**

16 **Sec. 3. As used in this chapter, "diabetes management and**
17 **treatment plan" means a plan prepared under section 7 of this**



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chapter.

Sec. 4. As used in this chapter, "individualized health plan" means a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in a school setting.

Sec. 5. As used in this chapter, "school employee" means an individual employed by:

- (1) a public school or an accredited nonpublic school;
- (2) a local health department working with a school under this chapter; or
- (3) another entity with which a school has contracted to perform the duties required under this chapter.

Sec. 6. As used in this chapter, "student" refers to a student with diabetes.

Sec. 7. (a) A diabetes management and treatment plan must be prepared and implemented for a student with diabetes while the student is at school or participating in a school activity. The plan must be developed by:

- (1) the student's parent or guardian; and
- (2) the licensed physician responsible for the student's diabetes treatment or another diabetes health care provider ordered in writing by the physician.

(b) A diabetes management and treatment plan must:

- (1) identify the health care services the student may need at school;
- (2) evaluate the student's:
 - (A) ability to manage; and
 - (B) level of understanding of;
 the student's diabetes;
- (3) specify the care that may be performed by the student with an agreed upon level of supervision; and
- (4) be signed by the student's parent or guardian and the licensed physician responsible for the student's diabetes treatment or another diabetes health care provider ordered in writing by the physician.

(c) The parent or guardian of a student with diabetes who will be attending school or participating in a school activity shall submit a copy of the student's diabetes management and treatment plan to the school. The plan must be submitted to and be reviewed by the school:

- (1) before or at the beginning of a school year;
- (2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or

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(3) as soon as practicable following a diagnosis of diabetes for the student.

Sec. 8. (a) An individualized health plan must be developed for each student with diabetes who will be attending school or participating in a school activity. The school's principal and school nurse shall develop a student's individualized health plan in collaboration with:

- (1) the student's parent or guardian;
- (2) to the extent practicable, the licensed physician responsible for the student's diabetes treatment or another diabetes health care provider ordered in writing by the physician; and
- (3) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan. A school shall develop a student's individualized health plan upon receiving the student's diabetes management and treatment plan.

Sec. 9. (a) At each school in which a student with diabetes is enrolled, the school principal shall:

- (1) seek school employees to serve as unlicensed assistive personnel; and
- (2) make efforts to ensure that the school has adequate personnel to safely implement a diabetes case plan.

(b) Unlicensed assistive personnel serve under the supervision of the school nurse.

(c) A school employee may not be subject to any disciplinary action for refusing to serve as unlicensed assistive personnel.

Sec. 10. (a) The state department of health, with the assistance of interested parties, shall develop a training program that includes instruction in the following:

- (1) Recognizing the symptoms of hypoglycemia and hyperglycemia.
- (2) Understanding the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.
- (3) Understanding the details of a student's individualized health plan.
- (4) Performing finger sticks to check blood glucose levels, checking urine ketone levels, and recording the results of the checks.
- (5) Properly administering glucagon and insulin, and

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recording the results of the administration.

(6) Recognizing complications that require emergency medical assistance.

(7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) If a school nurse is assigned to a school, the school nurse shall coordinate the training of school employees acting as unlicensed assistive personnel, using the training program developed under subsection (a).

(c) Training for unlicensed assistive personnel must be provided by a health care professional with expertise in the care of students with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

(1) the enrollment; or

(2) the diagnosis;

of a student with diabetes at a school that previously had no students with diabetes.

(d) The school nurse or principal shall maintain a copy of the training program and the records of training completed by the school employees.

Sec. 11. (a) If a school nurse is assigned to a school and the nurse is available, the nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

(b) If a school nurse is not assigned to a school or is not available, unlicensed assistive personnel shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 10 of this chapter. Unlicensed assistive personnel must have access to a health care professional with expertise in the care of students with diabetes or a school nurse must have access to the licensed physician responsible for the student's diabetes treatment if unlicensed assistive personnel act under this subsection.

(c) Unlicensed assistive personnel may act under this section only if the parent or guardian of the student signs an agreement that:

(1) authorizes unlicensed assistive personnel to assist the student; and

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(2) states that the parent or guardian understands that, as provided under IC 34-30-14, unlicensed assistive personnel is not liable for civil damages for assisting in the student's care.

(d) Unlicensed assistive personnel who assist a student under this section in carrying out the student's individualized health plan:

(1) is not considered to be engaging in the practice of nursing;

(2) is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not a health care professional; and

(3) shall contact a health care provider in a medical emergency involving a student with diabetes.

(e) A school corporation may not restrict the assignment of a student to a particular school on the basis that the school does not have the required unlicensed assistive personnel.

Sec. 12. As provided in a student's individualized health plan, a school corporation shall allow the student to attend to the management and care of the student's diabetes, including performing the following activities:

(1) Performing blood glucose level checks.

(2) Administering insulin through the insulin delivery system the student uses.

(3) Treating hypoglycemia and hyperglycemia.

(4) Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes.

(5) Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.

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SENATE MOTION

Madam President: I move that Senators Breaux and Sipes be added as coauthors of Senate Bill 336.

LANDSKE

 COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 336, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, after "Sec. 1." insert "**The department and the state department of health shall:**

- (1) **develop and implement a pilot program that meets the requirements of this chapter not later than July 1, 2007; and**
- (2) **implement this chapter statewide not later than July 1, 2009.**

Sec. 2."

Page 1, line 9, delete "9" and insert "**10**".

Page 1, line 10, delete "Sec. 2." and insert "**Sec. 3.**".

Page 1, line 11, delete "6" and insert "**7**".

Page 1, line 13, delete "Sec. 3." and insert "**Sec. 4.**".

Page 1, line 16, delete "Sec. 4." and insert "**Sec. 5.**".

Page 2, line 6, delete "Sec. 5." and insert "**Sec. 6.**".

Page 2, line 8, delete "Sec. 6." and insert "**Sec. 7.**".

Page 2, line 35, delete "Sec. 7." and insert "**Sec. 8.**".

Page 3, line 7, delete "Sec. 8." and insert "**Sec. 9.**".

Page 3, line 19, delete "Sec. 9." and insert "**Sec. 10.**".

Page 4, line 16, delete "Sec. 10." and insert "**Sec. 11.**".

Page 4, line 23, delete "9" and insert "**10**".

Page 4, line 34, delete ":" and insert "**in carrying out the student's individualized health plan:**".

Page 5, line 3, delete "Sec. 11." and insert "**Sec. 12.**".

Page 5, line 17, delete "Sec. 12." and insert "**Sec. 13.**".

and when so amended that said bill do pass.

(Reference is to SB 336 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 336 be amended to read as follows:

Page 1, line 10, delete ""care assistant"" and insert **""unlicensed assistive personnel""**.

Page 1, line 12, delete "and".

Page 1, line 14, delete "." and insert **"; and**

(3) has immunity from liability under IC 34-30-14."

Page 2, line 14, delete "whose".

Page 2, line 15, delete "parent seeks care for the student's diabetes".

Page 2, line 18, after "parent" insert **"or guardian"**.

Page 2, line 20, delete "." and insert **"or another diabetes health care provider ordered in writing by the physician."**

Page 2, line 22, delete "receive" and insert **"need"**.

Page 2, line 27, delete "and".

Page 2, line 28, after "(3)" insert **"specify the care that may be performed by the student with an agreed upon level of supervision; and**

(4)".

Page 2, line 28, after "parent" insert **"or guardian"**.

Page 2, line 29, delete "." and insert **"or another diabetes health care provider ordered in writing by the physician."**

Page 2, line 30, after "parent" insert **"or guardian"**.

Page 2, line 30, delete "who seeks care for the student's" and insert **"with"**.

Page 2, line 31, delete "while the student is at" and insert **"who will be attending"**.

Page 2, line 41, delete "whose parent seeks care for" and insert **"with"**.

Page 2, line 41, delete "while the student" and insert **"who will be attending"**.

Page 2, line 42, delete "is at".

Page 3, line 1, delete "nurse, if the school has a nurse," and insert **"school nurse"**.

Page 3, line 3, after "parent" insert **"or guardian"**.

Page 3, line 5, after "treatment" insert **"or another diabetes health care provider ordered in writing by the physician"**.

Page 3, line 14, delete "care assistants;" and insert **"unlicensed assistive personnel;"**.

Page 3, line 15, delete ":" and insert **"adequate personnel to safely implement a diabetes case plan."**

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Page 3, delete lines 16 through 19.

Page 3, line 20, delete "A care assistant serves" and insert **"Unlicensed assistive personnel serve"**.

Page 3, line 21, delete "principal." and insert **"school nurse."**

Page 3, line 23, delete "a care assistant." and insert **"unlicensed assistive personnel."**

Page 4, line 6, delete "care".

Page 4, line 7, delete "assistants," and insert **"unlicensed assistive personnel,"**

Page 4, line 9, delete "care assistants" and insert **"unlicensed assistive personnel"**.

Page 4, line 10, delete "individuals" and insert **"students"**.

Page 4, line 25, delete "a care assistant" and insert **"unlicensed assistive personnel"**.

Page 4, line 28, delete "A care assistant" and insert **"Unlicensed assistive personnel"**.

Page 4, line 29, delete "individuals" and insert **"students"**.

Page 4, line 30, delete "principal" and insert **"school nurse"**.

Page 4, line 31, delete "a care".

Page 4, line 32, delete "assistant acts" and insert **"unlicensed assistive personnel act"**.

Page 4, line 33, delete "A care assistant" and insert **"Unlicensed assistive personnel"**.

Page 4, line 33, after "parent" insert **"or guardian"**.

Page 4, line 35, delete "a care assistant" and insert **"unlicensed assistive personnel"**.

Page 4, line 36, after "parent" insert **"or guardian"**.

Page 4, line 37, delete "a care assistant" and insert **"unlicensed assistive personnel"**.

Page 4, line 39, delete "A care assistant who assists" and insert **"Unlicensed assistive personnel who assist"**.

Page 5, line 3, delete "may exercise reasonable judgment in deciding whether to" and insert **"shall"**.

Page 5, line 8, delete "care assistants." and insert **"unlicensed assistive personnel."**

Page 5, delete lines 23 through 32.

(Reference is to SB 336 as printed January 27, 2006.)

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